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Appl. No. 10/561,995  
Amtd. Dated May 22, 2007  
Reply to Office Action of February 22, 2007

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REMARKS

Claims 1 to 14 are currently pending in the present application. Claims 1, 4, 6, 8, 11 and 13 are amended herein. No new matter is added by the amendments to the claims.

Claims 1 to 14 stand rejected by the Action under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,374,085 to Saints et al. (hereinafter "Saints").

Applicants respectfully submit that Saints does not expressly or inherently disclose all of the elements set forth in independent claims 1, 4, 6, 8, 11 and 13, as amended. Thus, Saints does not anticipate claims 1, 4, 6, 8, 11 and 13 or the claims which depend therefrom.

It is an object of the present invention to provide improved power control during soft handover. Accordingly, there is provided a mobile station for use in a radio communication system comprising a plurality of base stations, the mobile station comprising transmitter means, receiver means for receiving signals including transmit power control commands from the plurality of base stations, control means adapted to compare the amplitude of the received transmit power control commands with a reliability threshold and adapted to vary the transmit power of the transmitter means in response to the comparison, wherein the control means is further adapted to vary the reliability threshold according to a function of one or more of:

the number of base stations from which the mobile station receives transmit power control commands;

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the number of commands to increase and/or decrease transmit power received in a preceding time period;

a measured characteristic of the signals received by the mobile station.

The subject invention addresses a problem with the current state of the art wherein the mobile station is not told what transmit power offset is currently being used for the field containing the downlink transmit power control commands relative to the power of the downlink pilot bits. Claims 1, 4, 6, 8, 11 and 13 have been amended to claim that the current transmit power offset is communicated to the mobile station. Saints fails to disclose that the current transmit power offset is communicated to the mobile station. Accordingly, for at least this reason, independent claims 1, 4, 6, 8, 11 and 13 are patentable over Saints.

Dependent claims 2, 3, 5, 7, 9 to 10, 12 and 14 depend from claims 1, 4, 6, 8, 11 and 13 and provide further features, thus claims 2, 3, 5, 7, 9 to 10, 12 and 14 are clearly distinguishable over Saints for at least the reasons discussed. Accordingly, the Applicants respectfully request that the rejections under 35 U.S.C. § 102(e) of claims 1 to 14 be withdrawn.

Claims 8, 11 and 13 are based on the realisation that an adaptively scaled signal in conjunction with a predetermined threshold can be equivalent to a non-scaled signal, or a signal scaled by a predetermined scale factor, in conjunction with an adaptive threshold. Furthermore, a combination of an adaptively scaled signal and an adaptive threshold can

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produce an equivalent result. Accordingly, claims 8, 11 and 13 each claim that the control means is further adapted to scale by a scale factor the amplitude of the received transmit power control commands prior to the measurement, and wherein the control means is further adapted to vary the scale factor. Saints does not disclose a control means that is adapted to scale by a scale factor the amplitude of the received transmit power control commands prior to the measurement, and wherein the control means is further adapted to vary the scale factor. Accordingly, for this additional reason, claims 8, 11 and 13 are patentable over Saints.

Accordingly, allowance of claims 1 to 14 is earnestly solicited.

**Conclusion**

In view of the foregoing, Applicants respectfully submit that the specification, the drawings and all claims presented in this application are currently in condition for allowance. Accordingly, Applicants respectfully request favorable consideration and that this application be passed to allowance.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same.

Applicants' representative believes that this response is being filed in a timely manner. In the event that any extension and/or fee is required for the entry of this

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amendment the Commissioner is hereby authorized to charge said fee to Deposit Account No. 14-1270. An early and favorable action on the merits is earnestly solicited.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call David Barnes, Esq., Intellectual Property Counsel, Philips North America Corporation at the number below.

Respectfully submitted,

David L. Barnes  
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